

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MAURICE BROUGH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 14-CV-1084-SMY-PMF
)	
JASON CONTES,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

YANDLE, District Judge:

Before the Court is Defendant's Motion to Dismiss for Lack of Prosecution (Doc. 30). Plaintiff Maurice Brough challenges the conditions of his former prison confinement. He is proceeding on claims of excessive force and deliberate indifference to medical needs. On two occasions, mail sent to from the Court to Brough was returned as undeliverable (Docs. 28, 29). Records maintained by the Illinois Department of Corrections show that Brough was released from custody on April 16, 2015. Prior to his release, Brough was twice ordered to promptly advise the Clerk of any change in his mailing address. He was further warned that failure to do so may result in dismissal (Docs. 7, 14). Despite these warnings, Brough did not provide the Clerk or defense counsel with an address where he can receive mail following his release. He has not filed any opposition to the instant motion.

Dismissal for want of prosecution is a harsh sanction that should be used only when there is a clear record of delay or contumacious conduct or less drastic sanctions have been unavailing. *Gabriel v. Hamlin*, 514 F.3d 734, 736 (7th Cir. 2008). The Court has evaluated all circumstances, including the frequency of Brough's failure to comply with orders and deadlines, his level of

responsibility for mistakes, the effect on the judicial calendar, the amount of prejudice caused to the defense, the merit of Brough's underlying claims, and social objectives represented by the suit. *Aura Lamp & Lighting Inc. v. International Trading Corp.*, 325 F.3d 903, 908 (7th Cir. 2003). The circumstances here support only one conclusion: Brough lost interest in prosecuting his claims following his release from custody. Accordingly, dismissal is appropriate at this time.

For the foregoing reasons, Defendant's Motion to Dismiss is **GRANTED**. This action is hereby **DISMISSED with prejudice** for lack of prosecution. All pending motions are denied as moot. The Clerk of Court is **DIRECTED** to enter judgment in favor of Defendant and against Plaintiff.

IT IS SO ORDERED.

DATED: September 15, 2015

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge